

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

vs

Criminal Action No: 16-20007  
HON. VICTORIA A. ROBERTS

DAMIAN NOWICKI,

Defendant(s).

/

**DEFENDANT'S ACKNOWLEDGMENT OF  
ADVICE AS TO CONSTITUTIONAL RIGHTS**

I, DAMIAN NOWICKI, the Defendant in the above entitled cause, have read and fully understand the following statement.

I have received and read a copy of the Indictment and understand the nature of the charges made against me. My attorney has advised me and counseled me concerning the nature of each charge, or lesser included offenses, and the possible defenses that I might have in this case.

I know what the maximum penalties are to the charge in the Indictment

I know that the judge can order a further, special assessment against me, and the payment of fine, and that I can be imprisoned further, for failure to pay any fine assessed.

I know that I have a constitutional right to have an attorney represent me at every stage of the proceedings in this case, and to give me advise and counsel regarding everything connected with this case. I understand that if I cannot afford

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an attorney one will be appointed to represent me.

I understand that I have a right to plead not guilty, and to persist in that plea if it has already been made.

I understand that if I plead not guilty to any count or counts in the Indictment:

- (a) I would be presumed under the law to be innocent of the charges against me in such count or counts;
- (b) I would be entitled to a speedy, public trial by an impartial jury in which the burden would be upon the Government to establish my guilt beyond a reasonable doubt to the satisfaction of all twelve jurors;
- (c) Upon such trial: (1) I would be entitled to remain silent and no inference could be drawn against me because of my silence; (2) I could, if I wished, testify on my own behalf; (3) I would be entitled to confront and cross-examine all witnesses against me; (4) I would be entitled to compulsory process of the court to obtain witnesses to testify and evidence to be offered in my defense; and (5) I would be entitled to the assistance of counsel.

I understand that if my plea of guilty to any count or counts is accepted by the Court, I give up the foregoing rights with respect to such count or counts and the Court will have the same power to sentence me as if a jury had brought in a verdict of guilty with respect to such count or counts.

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I understand that if I plead guilty, the Court may ask me questions about the offense to which I have pleaded, and if I answer these questions under oath, on the record, and in the presence of counsel, my answer may later be used against me in a prosecution for perjury or false statement.

I understand that if my plea of guilty is offered pursuant to a Rule 11 Plea Agreement I expressly consent to the consideration by the Court of my pre-sentence report prior to acceptance of the Rule 11 Agreement.

My decision to plead guilty is freely and voluntarily made. I have not been induced to plead guilty to any count by any promises or by any statement that I would receive leniency, or a lesser sentence, or any other consideration if I pleaded guilty instead of going to trial except for what is set forth in the Plea Agreement. I have not been induced to plead guilty by any threats, force, coercion, pressure or fear.

I am pleading guilty because I believe that I am guilty.

I know that I have a constitutional right not to make any statement regarding this case and to have an attorney advise me before I would make any statement. I know that any statement obtained by the authorities from me in violation of my constitutional rights could not be used as evidence against me in court at the trial of this case. Any statement that I may have made to the police or to any Government agency or attorney about this case, after being made aware of the charge, was made freely and voluntarily by me after I was fully advised of my

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right not to make a statement and my right to have an attorney.

I know I have a constitutional right against unreasonable searches and seizures of property or evidence and that the Court would not allow any evidence seized in violation of this right to be used in court against me at the trial of this case. I do not believe that there has been any violation of my right against unreasonable search and seizure.

I am not under the influence of any substance, such as narcotics, drugs, pills, medicines or alcohol, that would affect my ability to understand the nature of the consequences of my action in pleading guilty.



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Signature of Defendant

Dated: 5/4/2016

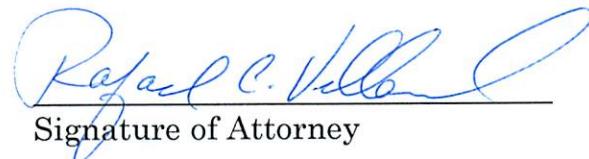
#### AFFIDAVIT OF ATTORNEY

I, the attorney for the above-named defendant, have reviewed this acknowledgment with my client, have explained to my client the nature of the charges against him, his constitutional rights, and the punishment that could be imposed upon his guilty plea. I have also advised him that in my opinion he does

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not have any meritorious defense to the count or counts to which he is pleading guilty and that his constitutional rights have not been violated.

The Defendant appears to be sane and competent to stand trial. To my knowledge, he is not under the influence of any narcotics, drugs, pills, medicine, alcohol, or any other substance such as to prevent him from understanding the nature and consequences of his action in pleading guilty or the prevent him from freely and voluntarily choosing to enter the plea of guilty.



Rafael C. Villalba

Signature of Attorney

Dated: 5/4/2016

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